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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Fleischman et al.

Examiner: D. Shay

Serial No. : 08/138,143

Group Art Unit: 3309

Filed : October 15, 1993

DH
1-26

For : Systems and Methods for Electronically Altering the Energy Emitting Characteristics of an Electrode Array to Create Different Lesion Patterns in Body Tissue

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

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U.S. PATENT AND TRADEMARK OFFICE
GROUP 3300

Sir:

Applicants respond to the Restriction Requirement mailed October 7, 1994, for which a thirty day response period was set.

Applicants respectfully request an automatic one month extension of time to respond, up to and including December 6, 1994. The requisite fee accompanies this Response.

Applicants have been asked to elect a single disclosed species for prosecution on the merits to which the claims will be restricted if no generic claim is finally held to be allowable. The Examiner presently considers no claim to be generic. The Examiner has identified the following species: Figs. 5A; 7; and 8.

The Applicants respectfully submits that the Examiner misunderstands the subject matter defined in the claims.

Apparatus Claims 1 to 11 and Method Claims 21 to 23 are directed to electronically changing zones of polarity along the length of an energy emitting region (i.e. electrode) used to ablate tissue. In other words, the claims are directed to tissue ablating systems and methods that can be operated either in a unipolar fashion or a bipolar fashion. The difference between these two ablation modes is generally discussed on Specification page 53, line 18, to page 54, line 3. The Specification discusses this claimed subject matter in connection with the electrode species shown in the following figures:

Fig. 28 (Longitudinally spaced apart electrodes) (see Figs. 29 and 30).

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Fig. 36 (Helical wire electrode) (see Figs. 37 and 38).

Fig. 40 (Elongated strip electrodes) (see Figs. 41 and 42).

Apparatus Claims 12 to 20 and Method Claims 24 to 27 are directed to electronically creating zones of emission and zones of no emission along the length of an energy emitting region (i.e. electrode) used to ablate tissue. In other words, the claims are directed to electrode elements that can create interrupted lesion patterns, or lesion patterns of varying lengths. This subject matter is first generally discussed on Specification page 55, lines 2 to 27. The Specification discusses this claimed subject matter in connection with the electrode species shown in the following Figures:

Fig. 28 (Longitudinally spaced apart electrodes) (see Figs. 33 to 35).

A system for operating electrodes to achieve the results claimed in both sets of claims is disclosed in the Specification, pages 55 to 60 (Figs. 59 to 66).

The Specification does not discuss this claimed subject matter in connection with the various structures shown in Figs. 5 to 14. These structures define areas of emission and non emission physically, not electronically (as defined in the claims), for the purpose of forming complex lesion patterns.

Applicants therefore respectfully request the Examiner to withdraw the species designations of Figs. 5A, 7, and 8. Applicants do not believe that these structures should be designated species under the subject matters defined in the claims.

For the purpose of advancing prosecution and being fully responsive to the spirit of the pending Restriction Requirement, Applicants hereby elect the species of Fig. 28. Claims 1 to 5; 10 to 17; and 19 to 27 read on this species. Claims 1; 10; and 21 are believed to be generic to the species of Figs. 28; 36; and 40, as identified above.

Respectfully submitted,

By

Daniel D. Ryan
Registration No. 29,243

RYAN, KEEES & HOHENFELDT, S.C.
633 West Wisconsin Avenue
Milwaukee, Wisconsin 53203
(414) 271-6555
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